



390 Madison Ave.
12th Floor
New York, NY 10017-2509 U.S.A.
(646) 746-2000
Fax: (646) 746-2001

11 S. Meridian Street
Indianapolis, IN 46204-3535 U.S.A.
(317) 236-1313
Fax (317) 231-7433

www.btlaw.com

June 24, 2022

Via ECF

Honorable Gary R. Brown
Eastern District of New York
100 Federal Plaza
Courtroom 940
Central Islip, New York 11722

***Re: Jillian Spindel v. Terry D. Amarat, M.D., et al.
May 27, 2022 Order Requesting Briefing on DePuy's Notice of Removal***

Dear Judge Brown:

DePuy Synthes Sales, Inc. and DePuy Synthes Products, Inc. (collectively, "DePuy") respectfully request that the Court disregard the improperly filed reply [ECF No. 17] submitted by healthcare defendants Jon-Paul DiMauro, M.D. and Long Island Jewish Medical Center s/h/a Northwell Health Long Island Jewish Medical Center (the "Healthcare Defendants"). Your Honor's May 27, 2022 Order instructed counsel for plaintiff, as well as the Healthcare Defendants, to file a letter brief with this Court regarding their position on the removal. In turn, Your Honor provided DePuy with one week to respond. The Order did not contemplate or permit the filing of a reply. As such, the Healthcare Defendants' reply is improperly before the Court. DePuy requests the Court not consider the substantive legal arguments made in the letter reply.

Separately, the Healthcare Defendants' reply takes issue with DePuy filing a four-page letter brief. In addition to the correspondence referenced in the Healthcare Defendants' reply, DePuy reviewed Your Honor's Individual Practice Rules and the Local Rules of the Eastern District of New York and did not see a page limit applicable to the Court's request for briefing.¹ However, DePuy endeavored to keep its letter brief as short as possible out of respect for Your Honor's and the Court's time and resources. DePuy respectfully requests that Your Honor afford it one additional page, to the extent necessary, to comply with Your Honor's rules and consider its letter brief in full.

Sincerely,

A handwritten signature in black ink that reads "J.T. Larson".

J.T. Larson
James F. Murdica

cc: All counsel of record (*via ECF*)

¹ DePuy acknowledges that Local Civil Rule 37.3 provides a three-page limit for letter briefs related to discovery disputes. However, DePuy believed that this page limitation did not apply to Your Honor's request for briefing which concerned DePuy's Notice of Removal.